

CCRB INVESTIGATIVE RECOMMENDATION

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|--|-------------------------------------|---------------------------|---|---|---------------------------------|
| Investigator: Joy Almeyda | Team: Team # 2 | CCRB Case #: 200407120 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Thursday, 07/22/2004 2:09 PM | Location of Incident: § 87(2)(b) | Precinct: 83 | 18 Mo. SOL 1/22/2006 | EO SOL 1/22/2006 | |
| Date/Time CV Reported Thu, 07/22/2004 3:01 PM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Thu, 07/22/2004 3:01 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|--------------------------|--------|--------|-------------|
| 1. SGT Eric Delman | 23705 | 922228 | 83 Precinct |
| 2. POF Nathalie Pacifico | 04910 | 924297 | 83 Precinct |
| 3. An officer | | | |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|--------------------------|-----------|--------|-------------|
| 1. SGT Christopher Tully | 04264 | 898673 | 83 Precinct |

| Officer(s) | Allegation | Investigator Recommendation |
|-------------------------|--|-----------------------------|
| A.SGT Eric Delman | Abuse: Sergeant Eric Delman stopped and questioned § 87(2)(b) and § 87(2)(b) | § 87(2)(b) |
| B.POF Nathalie Pacifico | Abuse: PO Nathalie Pacifico stopped and questioned § 87(2)(b) and § 87(2)(b) | § 87(2)(b) |
| C.POF Nathalie Pacifico | Abuse: PO Nathalie Pacifico searched § 87(2)(b) | § 87(2)(b) |
| D.SGT Eric Delman | Discourtesy: Sergeant Eric Delman spoke rudely to § 87(2)(b) and § 87(2)(b) | § 87(2)(b) |
| E.POF Nathalie Pacifico | Force: PO Nathalie Pacifico used physical force against § 87(2)(b) | § 87(2)(b) |
| F.POF Nathalie Pacifico | Force: PO Nathalie Pacifico used physical force against § 87(2)(b) | § 87(2)(b) |
| G. An officer | Abuse: An officer threatened to arrest § 87(2)(b) and § 87(2)(b) | § 87(2)(b) |
| H.POF Nathalie Pacifico | Discourtesy: PO Nathalie Pacifico spoke rudely to § 87(2)(b) | § 87(2)(b) |

Synopsis

On July 22, 2004, § 87(2)(b) filed a complaint with the CCRB regarding an incident that occurred the same day in which her § 87(2)(b) -old son, § 87(2)(b) and his § 87(2)(b) -old friend, § 87(2)(b) were stopped by police officers. The case was originally assigned to Investigator Arya Sundar. It was reassigned to the undersigned investigator on January 20, 2005.

At approximately 2:00 PM on July 22, 2004, Sergeant Delman (who was a police officer at the time) and PO Nathalie Pacifico stopped § 87(2)(b) (Allegations A and B) while § 87(2)(b) ran to inform § 87(2)(b) of the situation. PO Pacifico then searched § 87(2)(b) (Allegation C). A number of neighbors and relatives, including § 87(2)(b) gathered and disapproved of the officers' actions. § 87(2)(b) brother, § 87(2)(b) approached and attempted to interfere with the search of § 87(2)(b). As a result, Sergeant Delman told him to, "Get the fuck back" (Allegation D), while PO Pacifico pushed him (Allegation E). § 87(2)(b) who was observing the incident, also attempted to intervene and PO Pacifico pushed him as well (Allegation F). Neither § 87(2)(b) nor § 87(2)(b) were issued summonses or arrested, however it was clear that the officers suspected them of drug activity. No drugs were recovered. Several members of the crowd attempted to interfere with the officers and the officers told § 87(2)(b) and § 87(2)(b) that they would be arrested if they did not leave the area (Allegation G). Prior to leaving, PO Pacifico told § 87(2)(b) "You don't want to fucking understand what they are doing" (Allegation H).

§ 87(2)(b) § 87(2)(b) father of § 87(2)(b) and § 87(2)(b) stated his interest in withdrawing all of his minor sons' allegations. His statement of withdrawal was recorded on tape § 87(2)(b) and reviewed by ADED Eric Dorsch. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) provided only a phone statement and indicated his reluctance to provide an official statement § 87(2)(b). He failed to make further contact with the CCRB or respond to any attempts to contact him. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Summary of Complaint

§ 87(2)(b) provided an initial statement to CCRB when she filed the complaint via telephone. She was subsequently interviewed at § 87(2)(b) Brooklyn, on September 20, 2004 (enclosure 5a-c). § 87(2)(b), § 87(2)(g) § 87(2)(b) stated that on July 22, 2004, her father, § 87(2)(b) rang her doorbell and informed her that her son, § 87(2)(b) and § 87(2)(b) were "on the wall," being stopped by police officers. § 87(2)(b) immediately exited her apartment and approached the two officers. She introduced herself and asked what the problem was. A white female officer, who she described as 5'3, heavy set and with dark blond hair (identified by the CCRB as PO Nathalie Pacifico) told § 87(2)(b) that she was going to search § 87(2)(b) because "§ 87(2)(b) olds and § 87(2)(b) olds" often deal drugs. PO Pacifico released § 87(2)(b) into the custody of § 87(2)(b). (In the statement § 87(2)(b) provided when she filed the complaint, she stated that Sergeant Delman told § 87(2)(b) to "Get the fuck out" and then § 87(2)(b) walked away.)

PO Pacifico searched § 87(2)(b) socks, shoes, shirts, pants, and waistband. She asked § 87(2)(b) to remove his shoes and socks and she then inspected them. She then asked him to remove a doo-rag, and belt and inspected them. § 87(2)(b) alleged in her initial statement that both officers searched § 87(2)(b). A third officer arrived on the scene at this point and approached the scene from behind § 87(2)(b). § 87(2)(b) did not realize that this officer was on the scene until she heard § 87(2)(b) yell, "What the fuck? He pushed me." § 87(2)(b) stated that she did not see the push, however in her initial statement, § 87(2)(b) mentioned that § 87(2)(b) was pushed and then told to, "Move the fuck back." When PO Pacifico finished searching § 87(2)(b) the officers requested to search § 87(2)(b)'s house. She asked them what her house had to do with what happened on the corner. The officers responded that "the two houses [were]

hot” (meaning § 87(2)(b)) and suggested that the two houses harbor drug dealers. The officers did not find any drugs during the search of § 87(2)(b) and did not attempt to enter or search the house. PO Pacifico stated that she had arrested 14 year old drug dealers and told § 87(2)(b) “You don’t want to fucking understand what they are doing.” § 87(2)(b) stated that the area is considered a drug sale area and that there are a lot of drug dealers that live and work in the area. She stated that the officers were using profanity throughout the incident, however she was unable to specify the exact context. Though § 87(2)(b) made a general statement that the officers would not take out their badges, she did not claim to have asked for their information and she later made another general statement of fact that officers never give their names. When the officers left the scene, § 87(2)(b) explained that she called the 83rd Precinct and was informed that the male officer’s name was PO Delman.

Results of Investigation

Witness Statements

§ 87(2)(b) a Hispanic male (who was § 87(2)(b) old at the time of the incident), was interviewed by the CCRB on September 20, 2004 at § 87(2)(b), Brooklyn (enclosure 6a-c). He stated that on July 22, 2004, at approximately 2:09 PM, he and § 87(2)(b) were playing baseball in the street. § 87(2)(b) gave § 87(2)(b) a baseball, and as he did so, the boys observed a gold/yellow car stop on the street near where the boys were playing. A male officer and a female officer (identified by the CCRB as Sergeant Eric Delman and PO Nathalie Pacifico) exited the vehicle and told the boys to “get against the wall.” § 87(2)(b) believed that the officers thought they were exchanging drugs. § 87(2)(b) stated that he immediately ran inside his house and told his mother what was happening and when she subsequently escorted him back outside, the officers were searching § 87(2)(b). PO Pacifico instructed § 87(2)(b) to remove his socks and shoes. She searched these items along with his doo-rag, which he had been wearing on his head. She removed his belt, searched his pockets, and removed his phone and keys.

§ 87(2)(b), § 87(2)(b) and § 87(2)(b) voiced their objections to the officers, but the officers told him that “they know fourteen year old kids who sell drugs.” § 87(2)(b) stated that the officers did not use “bad language.” § 87(2)(b) brother, tried to interfere, however PO Pacifico pushed him away. § 87(2)(b) tried to interfere as well and PO Pacifico pushed him away as well, threatening them both with arrest. § 87(2)(b) stated that the officers did not make any effort to search him.

A third officer appeared on the scene at the end of the incident. Prior to the officers’ departure, all three officers asked § 87(2)(b) if they could search her house. She denied their request and the officers did not make an effort to enter.

§ 87(2)(b) a § 87(2)(b)-old Hispanic male, was interviewed by the CCRB at § 87(2)(b) Brooklyn, on September 21, 2004 (enclosure 7a-c). § 87(2)(b) stated that at approximately 2:00 PM on July 22, 2004, he was inside § 87(2)(b)’s residence at § 87(2)(b). A neighbor knocked on the front door and informed § 87(2)(b) and § 87(2)(b) that some officers were searching § 87(2)(b) and § 87(2)(b) outside. § 87(2)(b) and § 87(2)(b) exited the apartment and approached the scene where they observed Sergeant Delman and PO Pacifico holding § 87(2)(b) and § 87(2)(b) against a wall. The officers were about to search both males when § 87(2)(b) approached the scene and told the officers that she was § 87(2)(b)’s mother. The officers released § 87(2)(b) into § 87(2)(b) custody. § 87(2)(b) told PO Delman, that he would not appreciate his son being frisked/searched if their roles were reversed. In response, PO Delman told § 87(2)(b) to, “Get the fuck away.” PO Pacifico instructed § 87(2)(b) to remove his shoes and his socks. He did so and she searched them. She then unbuckled § 87(2)(b)’s belt and placed her hands inside his pockets. Finally, she searched his waistband and shook his shirt, but no drugs were recovered.

Several witnesses gathered and voiced their objections to searching § 87(2)(b). § 87(2)(b), § 87(2)(b)’ brother, approached the officers and told them that they should not be searching § 87(2)(b).

PO Delman told § 87(2)(b) to “get the fuck away.” § 87(2)(b) immediately walked away and PO Pacifico did not say anything to § 87(2)(b). § 87(2)(b) also approached the scene and told the officers that what they were doing was wrong. PO Delman told § 87(2)(b) to “get the fuck away” as well. § 87(2)(b) complied, however, he “continued with his mouth” cursing at the officers. PO Delman then said, “You want to go to jail? No? Then get the fuck out of here. Is this your brother? No? Then get the fuck out.”

After § 87(2)(b) was searched, he was released and § 87(2)(b) called the 83rd Precinct. The officers continued to suggest that the boys and the civilians were drug dealers, however they left the scene soon after § 87(2)(b) was released. A third officer, a bald white male, appeared on the scene prior to the officers’ departure.

Attempts to Interview Witness

§ 87(2)(b) was contacted via telephone on September 22, 2004. He stated that § 87(2)(b) and § 87(2)(b) were playing baseball when officers stopped them. § 87(2)(b) was outside when the officers arrived, and he saw § 87(2)(b) run from the officers to tell his mother what was happening. He clearly stated that § 87(2)(b) was not in the custody of the officers when § 87(2)(b) exited the apartment and that the officers only searched § 87(2)(b). § 87(2)(b) attempted to interfere by approaching § 87(2)(b) and telling him to not remove his sneakers, however PO Pacifico pushed him back slightly. He noted that the officers said, “fuck” in a number of contexts. § 87(2)(b) stated that he was § 87(2)(b) old and that he was § 87(2)(b) reluctant to provide a statement. He wished to consult with his mother before providing a statement.

§ 87(2)(b) failed to contact the CCRB subsequent to his telephone statement and did not respond to contacts from the CCRB.

Officer Identification

§ 87(2)(b) called the 83rd Precinct subsequent to the incident and was provided with the name Eric Delman. Sergeant Delman identified PO Pacifico as his partner and Sergeant Tully as his supervisor. Memo books, roll call and the officers’ statements confirm their participation in the incident.

Officer Statements

Sergeant Eric Delman

Sergeant Eric Delman was interviewed at the CCRB on December 1, 2004 (enclosure 8c-d). On July 22, 2004, Sergeant Delman, who was an officer at the time of incident, worked from 8:00 AM to 4:35 PM with PO Pacifico. They were assigned to a SNEU team, dressed in plainclothes and patrolling in an unmarked vehicle.

At approximately 2:09 PM on July 22, 2004, Sergeant Delman and PO Pacifico were patrolling in the vicinity of § 87(2)(b) and § 87(2)(b) in Brooklyn when they observed three Hispanic males standing in the street. Two of the individuals engaged in a transaction, which based on Sergeant Delman’s experience, was an exchange of a glassine vile containing narcotics. The buyer, who remains unidentified, left the scene and was pursued by Sergeant Delman’s supervisor, Sergeant Christopher Tully. Sergeant Delman and PO Pacifico stopped the two male Hispanic sellers near § 87(2)(b). Almost immediately, a woman whom Sergeant Delman believed to be § 87(2)(b) exited her residence and approached him. She “was very rude” to Sergeant Delman, and screamed at him for stopping her son. She used profanity towards the officers and many civilians in the street voiced their objections to the stop. Sergeant Delman explained his reason for stopping the males, however § 87(2)(b) continued to object.

Though members of the community cursed at the officers, Sergeant Delman did not use profanity at any time during the incident. He did not recall hearing PO Pacifico use profanity either. Sergeant Delman did not frisk or search either of the boys and he did not believe that they were frisked/searched. He could not recall if PO Pacifico asked either of the boys to remove his shoes at any time. Soon after stopping the suspects and interacting with § 87(2)(b) Sergeant Tully arrived on the scene and informed Sergeant Delman and PO Pacifico that he was unable to apprehend the buyer. At this point, Sergeant Delman instructed PO

Pacifico to complete UF-250s documenting the incident. He stated that none of the officers used force against any of the civilians on the scene and that none of the civilians attempted to rush toward the officers. The officers released the males and left the scene. Sergeant Delman described the incident area as a drug sale location, and he noted that often times, juveniles are the drug dealers. He has arrested juveniles in the past in the area and he knows of other juvenile drug arrests stemming from activity in the area.

PO Nathalie Pacifico

PO Nathalie Pacifico was interviewed at the CCRB on December 21, 2004 (enclosure 9e-f). On July 22, 2004, PO Pacifico worked from 8:00 AM to 4:35 PM with Sergeant Delman and Sergeant Tully. She and Sergeant Delman (who was an officer at the time) were dressed in plainclothes, assigned to a SNEU team and driving an unmarked vehicle.

PO Pacifico stated that the area around § 87(2)(b) is a known “drug prone location.” § 87(2)(e), § 87(2)(f)
Members of her command have also arrested numerous juveniles in this area for narcotics.

At approximately 2:09 PM on July 22, 2004, PO Pacifico and Sergeant Delman were patrolling on § 87(2)(b) when Sergeant Delman observed two youths speaking to an unidentified older man, possibly 40 years of age. Based on the use of juveniles to sell narcotics in this area, the officers believed that the youths might be engaged in a potential narcotics transaction. The interaction between the boys and the unidentified man ended, and the man left the scene. Following the interaction, PO Pacifico’s supervisor, Sergeant Tully, followed the route of the unidentified man in his vehicle, while Sergeant Delman and PO Pacifico exited their vehicle and approached the two youths (who were identified through the CCRB investigation as § 87(2)(b), § 87(2)(b) and § 87(2)(b). PO Pacifico and Sergeant Delman asked the males about the individual with whom they were speaking. The boys denied that they were speaking with anyone, therefore the officers’ suspicion was raised since they had just observed them engaged in conversation. The officers asked the males where they lived and how old they were, and the males answered. § 87(2)(e), § 87(2)(f)

§ 87(2)(b) screamed at the officers, saying, “What the hell are you doing?!” The officers told § 87(2)(b) that they “were just talking to the boys” and Sergeant Delman approached § 87(2)(b) to speak with her.

A crowd started to form and they expressed their displeasure with the officers’ actions and screamed profane remarks towards the officers, however the officers did not respond to the crowd. She denied making any effort to frisk either of the males and noted that they were never asked to remove any article of clothing, including their shoes. She stated that the boys would have been free to leave when they were approached, but nevertheless PO Pacifico prepared two UF-250s because she questioned the boys. She denied using profanity or hearing any officer use profanity during the incident in question. Sergeant Tully arrived at the scene and informed the officers that he could not locate the unidentified man whom the males were previously speaking with. At this point, all officers left the scene.

Sergeant Christopher Tully

Sergeant Tully was interviewed at the CCRB on February 3, 2005 (enclosure 10c-d). He stated that on July 22, 2004, he worked from 8:20 AM to 5:17 PM and was assigned to SNEU along with PO Pacifico and PO Delman. They were all wearing plainclothes and assigned to unmarked car § 87(2)(b). Sergeant Tully was driving westbound on § 87(2)(b) (one way), which is well known area for narcotics sales (approximately 5-6 arrests made weekly) when PO Delman informed Sergeant Tully to stop the car because he saw a possible “hand to hand” drug sale on the side of the road. Sergeant Tully saw two young males § 87(2)(b) and § 87(2)(b) standing on the sidewalk and an older male (tall, skinny, 30’s, dark jacket) who quickly walked eastbound toward Irving Avenue. PO Delman and PO Pacifico stepped out of the car and questioned § 87(2)(b) and § 87(2)(b) while Sergeant Tully drove around to search for the older male. He drove around the vicinity of the location for approximately five minutes but did not find the male so he returned to the original location.

When he returned, PO Pacifico and PO Delman entered the car. Sergeant Tully informed them that he was unable to find the older male. PO Pacifico and PO Delman stated that as they stopped and questioned § 87(2)(b) and § 87(2)(b) people came out of a house and started yelling. Sergeant Tully heard the group yelling but could not what they were saying. Sergeant Tully had no interaction with anyone at the scene nor did he did hear or see PO Pacifico or PO Delman verbally or physically interact with the individuals. PO Pacifico and PO Delman completed UF250s and Sergeant Tully verified them at the stationhouse.

Police Documents

Stop and Frisk Reports

PO Pacifico completed two stop and frisk reports on June 22, 2004 at 2:00 PM (enclosure 9c-d). She listed the address as outside in the street at § 87(2)(b). She stopped two white Hispanic males (names listed as "refused"), an § 87(2)(b) and a § 87(2)(b)-old. They were suspected of criminal sale of a controlled substance due to actions indicative of engaging in a drug transaction. Neither individual was frisked, searched, issued a summons or arrested. The duration of the stop was five minutes. Sergeant Tully verified the stop and frisk reports.

Complainant's Criminal Conviction History

§ 87(2)(g)

Complainant's CCRB History

In total, § 87(2)(b) has filed nine complaints with the CCRB between 1994 and 2005. She has no other open complaints at the present time (enclosure 3).

Subject Officers' CCRB Histories

PO Nathalie Pacifico has been a member of the NYPD for six years. She has no substantiated allegations. PO Pacifico currently is a subject in two open CCRB cases. Investigator Cory Miller closed #200407852, which is awaiting review by the board, § 87(2)(g). Investigator Mark Carpenter is currently investigating #200503269 § 87(2)(g).

Sergeant Eric Delman has been a member of the NYPD for seven years and has no substantiated allegations. Sergeant Delman is currently the subject of one open CCRB case. Investigator Cynthia Zakary is currently investigating #200503506, § 87(2)(g).

Conclusions and Recommendations

Undisputed Facts

On June 22, 2004 at approximately 2:00 PM, Sergeant Delman and PO Pacifico approached § 87(2)(b) and § 87(2)(b). They suspected that § 87(2)(b) and § 87(2)(b) were involved in a drug sale. Shortly after the officers arrived, § 87(2)(b) exited her home and approached the situation, upset at the officers for approaching the young males and accusing them of drug activity. Several neighbors gathered and voiced their opposition to the officers' actions. Sergeant Tully arrived at the scene a short time later and § 87(2)(b) and § 87(2)(b) were allowed to leave. PO Pacifico completed stop and frisk reports for § 87(2)(b) and § 87(2)(b) under "refused" due to their juvenile status and Sergeant Tully verified the reports.

Facts in Dispute

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Credibility Analysis

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) stated that § 87(2)(b) ran as soon as the officers approached and informed § 87(2)(b) of the situation. § 87(2)(b) stated that § 87(2)(b) told her and § 87(2)(b) said that a neighbor informed § 87(2)(b). § 87(2)(b) and § 87(2)(b) both indicated that § 87(2)(b) and § 87(2)(b) approached the officers and tried to interfere. However, § 87(2)(b) stated that PO Pacifico pushed them both and they retreated while § 87(2)(b) said that they retreated when Sergeant Delman told them to, "Get the fuck away."

§ 87(2)(b), § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(b) made general statements about her experiences with officers in that they do not, as a rule, show identification or provide their names to civilians. At no time did she claim to have asked them for their names or shield numbers. § 87(2)(b), § 87(2)(g)

Allegation A: Sergeant Eric Delman stopped and questioned § 87(2)(b) and § 87(2)(b)

Allegation B: PO Nathalie Pacifico stopped and questioned § 87(2)(b) and § 87(2)(b)

Though § 87(2)(b) did not provide a statement to the CCRB, it is undisputed that Sergeant Delman and PO Pacifico stopped him on § 87(2)(b) suspecting him of drug activity. § 87(2)(b) said that he was playing baseball at the time and that he was never involved in a drug transaction. Sergeant Delman and PO Pacifico maintain that Sgt. Delman observed three males involved in a drug transaction. Sgt. Delman stated that he stopped the two younger individuals involved in the transaction and radioed Sgt. Tully to attempt to stop the third person. Sgt. Tully who testified that he unsuccessfully attempted to apprehend the third individual corroborated these statements. § 87(2)(g)

Of all the civilian testimonies, the only person that saw the officers' approach and take action was § 87(2)(b). § 87(2)(g), § 87(2)(b)

Allegation C: PO Nathalie Pacifico searched § 87(2)(b).

§ 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) all agree that PO Pacifico searched § 87(2)(b). PO Pacifico denied that she searched him and Sgt. Delman did not believe that either individual was searched or frisked during the encounter. The stop and frisk reports prepared by PO Pacifico stated that neither individual was frisked or searched. § 87(2)(b) the victim of this allegation, never made a statement to the CCRB because his father withdrew their complaint. § 87(2)(g)

§ 87(2)(g)

Allegation D: Sergeant Eric Delman spoke rudely to § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) alleged that Sergeant Delman told § 87(2)(b) to "get the fuck away" when he told the officers that they should not search § 87(2)(b). § 87(2)(b) alleged that Sergeant Delman told § 87(2)(b) to, "Get the fuck away." However, § 87(2)(b) did not make this allegation when he spoke with the CCRB. § 87(2)(b) did allege that the officers said "fuck" a number of times, though he did not claim that the officers were directing their cursing at him, nor could he specify the context in which the profanity was used. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that the officers did not curse during the encounter. § 87(2)(g)

Allegation E: PO Nathalie Pacifico used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Pacifico pushed § 87(2)(b) when he tried to interfere. § 87(2)(g) The officers both denied using any force against any civilians that arrived while the incident was occurring. § 87(2)(b), § 87(2)(g)

Allegation F: PO Nathalie Pacifico used physical force against § 87(2)(b)

§ 87(2)(b) admitted that he approached PO Pacifico and § 87(2)(b) and attempted to interfere when she was searching him § 87(2)(b). PO Pacifico responded by pushing him back slightly. § 87(2)(b) did not provide a formal statement and was reluctant to do so § 87(2)(b). He wished to consult with his mother before making a decision whether to proceed with an investigation. § 87(2)(b) made no further contact with the CCRB. His telephone number was deactivated and he failed to respond to contact made through the mail. § 87(2)(b) heard § 87(2)(b) say that an officer pushed him but she did not witness it. § 87(2)(b), § 87(2)(g)

Allegation G: An Officer threatened to arrest § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) alleges that Sergeant Delman said to § 87(2)(b) "You want to go to jail? No? Then get the fuck out of here." § 87(2)(b) alleges that this occurred as § 87(2)(b) approached the officers and voiced his displeasure with their actions. § 87(2)(b) said that PO Pacifico threatened to arrest § 87(2)(b) and § 87(2)(b) when they tried to interfere with the officers while at the scene. Both civilians spoke of the same exact instance in the encounter yet both stated that a different officer allegedly threatened to arrest members of the crowd. § 87(2)(b) the alleged victim of the allegation, did not make this allegation when he spoke with the investigator over the phone. § 87(2)(g)

Allegation H: PO Nathalie Pacifico spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that PO Pacifico told her, "You don't want to fucking understand what they are doing." § 87(2)(b), § 87(2)(g)

PO Pacifico and Sergeant Delman both stated that PO Pacifico did not speak profanely to § 87(2)(b). Rather, it was § 87(2)(b) who spoke discourteously by screaming and cursing at them. § 87(2)(b), § 87(2)(g)

Patrol Guide Procedure 203-09, which instructs officers to, "Be courteous and respectful" when engaged with the public (enclosure 1). § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: